IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Crl.Rev.Pet.No. 494 of 2001()

CRMP.491/2001 of SESSIONS COURT, PALAKKAD

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REVN. PETITIONER:

K.T.RASHEED, AGED 26 YEARS,
S/O.MOHAMMED,
KANAKKAMTHODI,
ARIYOOR, KUMARAMPUTHUR PO.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

RESPONDENTS:

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1. THE CIRCLE INSPECTOR OF POLICE
ALATHUR.

2. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR
SRI.O.V.MANIPRASAD
SRI.M.P.PRABHANANDAN
SRI.K.N.PRABHAKARAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/09/2007, ALONG WITH CRMC NO. 2648 OF 2001 AND CRMC NO. 2205 OF 2001 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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**Crl. R.P. No. 494 OF 2001 and**
**Crl.M.C.Nos.2205 and 2648 OF 2001**

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Dated this the 26th day of September, 2007

O R D E R

The Crl.R.P. has been filed by A11 and the common petitioner in the two Crl.M.Cs. is A1 in crime No.618/00 of Mannarkkad Police Station for offences punishable under sections 143, 147, 148, 324, 307 and 302 read with section 149 IPC. A1 and A11 were granted anticipatory bail by the Sessions court, Palakkad. Subsequently, on the motion of the investigating officer the anticipatory bail granted to A1 and A11 was cancelled taking note of the gravity of the offence. Crl.R.P. No.494/01 has been filed by A11 challenging the order cancelling the anticipatory bail. Crl.M.C.2648/01 has been filed by A1 challenging the order cancelling the anticipatory bail. Crl.M.C.No.2205/01 has been filed by A1 requesting the change of the Public Prosecutor alleging bias and political interference.

2. When these matters came up for hearing today, the learned counsel appearing for the first accused in two Crl.M.Cs. submitted that A1 is not interested in prosecuting Crl.M.C.No.2648/01 and he is not pressing the same. The counsel also submitted that on account of the passage of time Crl.M.C.No.2205/01 has become infructuous. Accordingly, both the Crl.M.Cs. are dismissed as prayed for by the counsel without any adjudication on the merits.

3. Coming to Crl.R.P.No.494/01, as noticed earlier, the offences for which the accused stand charged are grave offences in which anticipatory bail ought not to have been granted and was rightly cancelled by the Sessions Court upon a motion by the investigating officer. I do not find any illegality in the said order eventhough it is passed without notice to the 11th accused/petitioner. The main case in which the accused persons appeared before the committal court, has been committed to the Sessions Court, Palakkad where it is pending as S.C.No.630/05. Since the charge sheet against A11 was filed showing that he is absconding, he may have to

be committed to the court of sessions by the committal Magistrate after complying section 207 Cr.P.C. Since the investigation is over and the case ended in the filing of a charge sheet long ago, there is no need for interrogation or questioning of A11. I, therefore, do not see any reason why A11 should not be enlarged on regular bail. Accordingly, if A11 surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, he shall be released on bail on appropriate conditions ensuring his presence for the trial of the case. The committal Magistrate shall also complete the committal proceedings as against A11 expeditiously and commit A11 also to the Sessions Court so that it could be clubbed along with S.C.No.630/05 for joint trial and disposal.

(V. RAMKUMAR, JUDGE)

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V. RAMKUMAR, J.

Crl. R.P. No. 494 OF 2001 and
Crl.M.C.Nos.2205 & 2648 OF 2001

O R D E R

26th day of September, 2007